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UNCLAS SECTION 01 OF 02 HO CHI MINH CITY 000435

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SUBJECT: CAO DAI ACTIVIST JAILED

REF: 05 HCMC 994

¶1. (SBU) Summary: On April 14, a Cao Dai activist, Tran Huu Phuoc, was sentenced by a Tay Ninh court to two years' imprisonment for "slandering" government officials and members of the GVN-recognized Cao Dai Executive Council. Government-controlled press in Tay Ninh Province subsequently accused Phuoc of being mentally ill. Based on our review of Phuoc's writings and our discussions with other Cao Dai activists, there is reason to suspect that the charges against him were prompted, at least in part, by his outspoken criticism of the GVN and GVN-recognized Cao Dai church. We will follow up with Phuoc's family and HCMC and Tay Ninh officials to obtain additional details on the case of Tran Huu Phuoc. End Summary.

¶2. (SBU) In April, a member of the Cao Dai community alerted ConGen that Tay Ninh provincial authorities had arrested a Cao Dai activist named Tran Huu Phuoc. On April 14, Phuoc was tried and sentenced to two years in prison for "slandering GVN and Cao Dai officials." According to an April 17 press report in the official Tay Ninh newspaper, Government officials held the one-day trial not in a courthouse, but in a district-level cultural house. Officials apparently encouraged the public to attend to make an example of Phuoc. The press report stated that at the trial, Phuoc confessed and apologized to his "victims".

¶3. (SBU) The newspaper portrayed Phuoc as a "professional slanderer" who had written numerous letters to the GVN and international leaders, including UN SYG Kofi Annan, attacking the competency and motivations of local officials and accusing them of targeting him and his family. The article claimed he had created a "rift between Cao Dai followers and the police" when he falsely accused a district police leader of harassing a Cao Dai church. The press report alleged he had circulated letters labeling the Executive Council's HCMC representative Kieu Ngoc Minh as a terrorist. According to the newspaper, Cao Dai officials requested authorities to prosecute Phuoc.

¶4. (SBU) Provincial media also characterized Phuoc as mentally unstable and recommended that he be treated for mental illness. The press reported that, at police request, Central Medical Examination Center II in Dong Nai had diagnosed Phuoc as a "paranoid schizophrenic". However, the hospital found that Phuoc was competent to be tried as a criminal. (Note: Per reftel, Central Medical Examination Center II is the same mental institution in which Baptist Pastor Than Van Truong was committed involuntarily for close to a year. End Note.) The 53 year-old Phuoc had worked as a barber in Hoa Thanh district, Tay Ninh Province, until his arrest.

ConGen's Earlier Intermittent Contact With Phuoc

¶5. (SBU) In June 2005, Phuoc sent post copies of letters he had written to Prime Minister Khai, the King of Cambodia, UN SYG

Annan and others, stating his opposition to GVN and Cao Dai Executive Council plans to repatriate the remains of the Cao Dai Conservator Pham Cong Tac from Cambodia to Vietnam. Phuoc maintains that the Conservator demanded that his remains stay in Cambodia "until democracy was restored in Vietnam." (Note: The Cao Dai Conservator died and was buried in Cambodia in 1959, following his self-exile from Vietnam to protest the failure of the 1954 Geneva accords. According to one historical source, the Conservator willed that his body not be returned to Vietnam until "the country becomes reunited, peaceful and neutral." End Note.) Phuoc's letters also called for dissolution of the Cao Dai Executive Council because it had altered Cao Dai traditions.

He denounced provincial authorities for appropriating Cao Dai church lands in Tay Ninh and urged the GVN to respect democracy, human rights and religious freedom as a precondition for entry into the WTO.

16. (SBU) In October 2005, Phuoc sent a second letter to ConGen, postmarked from his village in Tay Ninh Province, alleging that in mid-September Tay Ninh police had confiscated Cao Dai religious materials from his home. Phuoc also sent us a copy of the police decision dated September 12, 2005 to investigate him for slander. In his letter, Phuoc stated that he had been sent to the Bien Hoa mental hospital in Dong Nai for psychiatric evaluation. We did not hear from Phuoc or about him again until his colleague reported to us on his trial.

Mentally Ill Slanderer or Human Rights Victim?

17. (SBU) Following the trial, Post contacted Ha Ngoc Voi, a retired clergyman of the pre-1975 Cao Dai Church of Vietnam. Voi dismissed claims that Phuoc suffered from mental illness. HCMC-based dissident and retired Cao Dai historian Le Quang Tan concurred with Voi's comments, stating the sentence handed to Phuoc was GVN retribution for his outspoken views.

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18. (SBU) Post subsequently spoke with Cao Dai Executive Council Chairman Thuong Tam Thanh who claimed ignorance of Phuoc's trial and conviction, and declined to discuss the issue further. Post also spoke with official HCMC Cao Dai representative Kieu Ngoc Minh. Minh confirmed that Phuoc had made accusations against him. Minh stated that Phuoc was among the Cao Dai's "radical element" who openly criticize the church and Executive Council policy, including its plan to repatriate the Conservator's remains. Minh avoided giving his personal opinion and only repeated the clinic's diagnosis, but said that he had hoped that Phuoc would receive a lenient sentence during his trial.

19. (SBU) Comment: Phuoc received the maximum possible sentence although, under the law, Phuoc could have received a verbal reprimand. Phuoc's public trial and two years' imprisonment smack, at least in part, of government retribution for his inflammatory epistolary. So too does Tay Ninh's public labeling -- or libeling -- of Phuoc as mentally ill. Undercutting the credibility of the outspoken has been a GVN tactic to discredit or silence political and religious dissidents, as was the case of Protestant pastor Than Van Truong and political dissident Tran Khue. As next steps to develop additional information on his case, we will explore Phuoc's predicament further with his family and with other members of the Cao Dai community, and will raise the case with the HCMC External Relations Office and Tay Ninh officials. End Comment.

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